

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, January 13, 2009**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:05 am.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated January 13, 2009, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of January 6, 2009, as presented. Motion carried 5-0.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT:

**(1) PRESENTATION OF 2009 TECHNOLOGY HANDBOOK AND
RECOGNITION OF COVER CONTEST WINNER AND CONTEST
SPONSOR**

**(2) RECOGNIZE CONTRIBUTORS TO THE CELEBRATE 375
PROGRAM**

Present: Bob Schaller, Director
Hans Welch, Business Dev. Mgr.
Cynthia Dellagatta, Economic Dev. Coordinator
Carolyn Laray, Tourism Mgr.

Mr. Schaller, Mr. Welch, and Ms. Dellagatta presented the 2009 Technology Handbook. The handbook provides detailed profiles of 215 technology businesses residing in St. Marys County.

Eurie (Michelle) Yang, a graphic designer of Eagan, McAllister Associates, Inc., was recognized as the 2009 Technology Handbook cover contest winner. Ms. Laray joined in thanking the Patuxent Partnership for sponsoring the cover contest prize of \$500.

Local defense contractors were acknowledged who are contributing to the Celebrate 375th Anniversary of Marylands founding campaign. Ms. Laray presented a design graphic and acknowledged Northrup Grumman for their contribution toward funding of the 375th commemorative coin.

COUNTY ADMINISTRATOR

1. Draft Agendas for January 20 and 27, 2009
2. **Dept. of Economic and Community Dev. / Housing Authority**
(Bob Schaller, Dir., DECD; Dennis Nicholson, Exec. Dir., Housing Authority; and Rhonda Garcia, Housing Specialist)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution in support of the Housing Authoritys application for Maryland Department of Housing and Community Development Neighborhood Conservation Initiative funding. Motion carried 5-0.

3. **St. Marys County Circuit Court** *(Pete Cucinotta, Coord., Drug Court Program)*

Commissioner Dement moved, seconded by Commissioner Mattingly, to sign the letter of consent to the U.S. Department of Justice, Office of Justice Programs, in support of the Adult Drug Court Discretionary Grant Application in the amount of \$311,653. Motion carried 5-0.

4. **Office of the Sheriff** *(Sheriff Timothy Cameron; Erin Shoemaker, Fiscal Mgr.)*

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment, in the amount of \$535, increasing the JAG Block Grant (Project US0715) project revenue and expense based on interest earned as of July 31, 2008. Motion carried 5-0.

5. **Walden/Sierra, Inc.** (*Kathleen OBrien, Ph.D., Exec. Dir. of Walden/Sierra, Inc.*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Community Sexual Assault Prevention and Awareness Inter-Governmental Agreement, and related Sub-Recipient Agreement, between the County, through Walden/Sierra, Inc., and the Dept. of Human Resources, for grant in the amount of \$11,000. Motion carried 5-0.

6. **Human Services Council** (*Ella May Russell, Co-Chair; Sheriff Timothy Cameron, Co-Chair; Bennett Connelly, Dir., Dept. of Human Services*)

The Human Services Council Bylaws were presented. The BOCC requested the following changes:

Article III, Section 6 (and also applies to Section 5) Since the BOCC appoints Council members, the BOCC should be ultimately responsible for membership removal.

Remove Section 9 Residency from Article III.

Article V, Section 1 Reword 2nd sentence to state elections will take place annually, no later than July.

Article V, Section 1 ensure at least one non-ex-officio member is on the Executive Committee.

7. **Dept. of Human Services** (*Bennett Connelly, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Emergency Shelter Grant Agreement for \$33,700 in grant funds from the Maryland Department of Housing and Community Development, and the related Sub-Recipient Agreements, to assist in providing St. Marys County residents with homeless prevention services. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign additional documentation required by the State for the Memorandum of Understanding executed on April 15, 2008, between the BOCC, acting as the authorized signatory for the Core Services Agencies and the State; i.e., Condition of Human Service Agreement Statement DHMH 433, FY2009 Schedule of Sub-Vendors, and related certification, disclosure, and assurance documents, as presented by staff here today. Motion carried 5-0.

8. Dept. of Public Safety (*Michelle Lilly, EMA Mgr.*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Maryland Department of the Environment and the St. Marys County Local Emergency Planning Committee to allow St. Marys County to be eligible for grants funds to conduct federally required planning and training activities. Motion carried 5-0.

9. Dept. of Recreation and Parks (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Maryland Department of Transportation (MDOT) Transportation Enhancement Program Memorandum of Understanding for Phase V of the Three Notch Trail in the total amount of \$771,000. Motion carried 5-0.

10. Dept. of Land Use and Growth Management (*Phil Shire, Acting Director*)

(Bob Bowles, Planner IV)

Re: Boundary Line Adjustment Plat and Line of Agreement Plat.

The Board was requested to sign the Line of Agreement Certification section of the Boundary Line Adjustment Plat for Parcel 580 and Lots 24 and 25, Section One, St. Marys Industrial Park and Line of Agreement Plat for Parcel 580 and Slope Easement, Section One, St. Marys Industrial Park, to make a correction to a non-parcel of record, combining parcel 580 with Lots 24 and 25 into one lot: Lot 500-24.

Item was tabled pending BOCC review of additional information; i.e., clear chain of title and additional background information from the County Attorney.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
INTRODUCTION OF PROPOSED ZONING TEXT AMENDMENT TO ALLOW
OFF-SITE ADVERTISING FOR THE SALE OF RESIDENTIAL REAL
PROPERTY BY THE LISTING REALTOR OR HOMEOWNER**

Present: Phil Shire, Acting Director
Yvonne Chaillet, Planner
Paula Martino and Alan Hewitt, So. MD Association of Realtors

Ms. Chaillet introduced a text amendment drafted by Paula Martino and Alan Hewitt, members of the Southern Maryland Association of Realtors. Citing concerns for a proliferation of signs and 1st Amendment challenges, it was stated that Land Use & Growth Management staff does not support the language as drafted. Staff suggested a comprehensive review be conducted for the entire chapter that pertains to signage; i.e.,

Chapter 65. It was noted that the Planning Commission tabled review of the proposed digital sign text amendment in favor of a comprehensive review of Chapter 65.

Ms. Martino and Mr. Allen Hewitt presented testimony in support of the proposal.

Commissioners Jarboe and Raley voiced support for assembling a task force to conduct a comprehensive review of Chapter 65. Commissioner Jarboe said digital signs, which he added was of greater concern with him, could also be addressed by the task force. Ms. Martino and Mr. Allen Hewitt indicated support for a comprehensive review of Chapter 65, but stressed, given the current market conditions, there is an immediate need and urged Board support for the proposed text amendment.

It was clarified the proposal is for residential properties only and establishes no limit regarding the number of off-site advertising signs, which would include informational/directional signs. Chapter 65.2 currently allows up to three signs on any one property or site.

It was noted that there are currently 964 homes on the market in St. Marys County. Commissioner Mattingly requested a breakdown by the number of days (ranges) houses have been on the market.

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed to the Planning Commission for a public hearing on the proposed zoning text amendment to allow off-site advertising for the sale of residential real property by the listing realtor or homeowner. Motion carried 4-1. Commissioner Russell voted no in favor of conducting a comprehensive review, and ensuring the comprehensive review receives the appropriate levels of representation and involvement.

RECESS

The Board recessed for lunch at 12:15 pm and resumed at 1:30 pm.

FINANCE DEPARTMENT: ACCEPTANCE OF THE 2008 AUDIT

Present: Elaine Kramer, CFO
Timothy Murphy, Murphy & Murphy, CPA, LLC

Ms. Kramer provided a cursory review of the 2008 Audit document (for the year ended June 30, 2008), calling attention to the Managements Discussion and Analysis. This section summarizes the performance of County Government, debt position, ratings, and information about the outlook and next years budget; i.e., it is a summary of information contained in the financial statements. Ms Kramer said the fiscal year ended with a positive fund balance and reviewed salient information contained within the audit.

Mr. Murphy said the audit was conducted in accordance with the prescribed standards contained in the Government Auditing Standards, issued by the Comptroller General of the United States. Additionally, an internal control study was conducted, which resulted in no identified weaknesses or deficiencies.

Mr. Murphy said the audit received an unqualified opinion, also referred to as a clean opinion, which is the highest standard of an opinion that could be rendered by a CPA.

Mr. Murphy also high-lighted the following:

- St. Marys County assets exceeded liabilities by nearly \$200 million (strong financial position)

- Liabilities decreased almost \$7 million (excellent)

- Property tax (40%) and income tax (32%); bulk went to education and public safety

- GASB 45 (post employment benefits other than pensions); this is the first year the County had to comply with the new GASB, primarily relative to health care. St. Marys County is way ahead of the curve with funding (\$10 million)

- Funds were properly insured by FDIC or by collateral (pertains to investments and cash)

- Sheriffs pension/retirement plan not part of audit; noted almost \$12 million in common stock and suggested considering a future audit.

- Schedule of loans and bonds; staggered maturities place the County in a strong financial position for ability to meet its obligations. St. Marys County financial position ranked as above most of its peers.

- Clean report, favorable reflection on the performance of the Commissioners.

Commissioner Raley moved, seconded by Commissioner Jarboe, for the Board of County Commissioners to accept the report of the independent auditor on the financial statements for St. Marys County for fiscal year 2008, as presented, and that the Board of County Commissioners present a thank you to all involved with the report. Motion carried 5-0.

COMMISSIONERS TIME

The Commissioners highlighted upcoming events, events attended over the past week and personal interest items.

JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS AND THE ST. MARY COUNTY METROPOLITAN COMMISSION BOARD (held in room 14 of the Potomac Building)

Present: Steve King, MetCom Executive Director
Kathleen Werner, Chairman
Thomas Chuck Lancaster, Vice Chairman
Frank Taylor, member
Joseph St. Clair, member
Jacqueline Meiser, Legal Counsel
Rebecca Shick, CFO
Anne Mary Cullins, HR Manager
Mike Sullivan, Operations Manager

Mike Oliver, on behalf of Capt. Maycko, representing Patuxent River NAS

St. Marys County Government staff:
John Savich, County Administrator
Christy Holt-Chesser, County Attorney
Phil Shire, Acting Director, LU&GM
Jeff Jackman, Sr. Planner, LU&GM
Dave Chapman, Planner, LU&GM
Karen Everett, Public Information Officer
Amy Carter, Audio/Video Technician
Donna Gebicke, Recorder

Opening remarks were provided by Commissioner President Russell, Chairperson Kathleen Werner, and John Savich, County Administrator

Mr. Shire provided an overview of the process for adoption of the Water and Sewer Facilities Plan (Plan) for the 5th and 8th Sanitary Districts: Pine Hill Run and Piney Point. The Facilities Plan Public Presentation Process illustrates the steps that may be involved or triggered by adoption of the Plan. Amendments to the Comprehensive Water and Sewerage Plan (CWSP), the Comprehensive Land Use Plan, and sections of the Comprehensive Zoning Ordinance may result. Standard Operation Procedures need to be developed for several policies before amendments are made to the documents.

The next step in the process is the Planning Commission informational presentation on the Plan, which is scheduled for January 26, 2009. Subsequent steps include MetCom public hearings; staff analysis and preparation of CWSP amendments potentially necessitated by adoption of the Plan; Planning Commission public hearing on the CWSP; Board of County Commissioners public hearing on recommended changes to the CWSP; and submittal of the adopted amendments to the Maryland Department of the Environment for approval.

It was noted that the exact nature of required amendments will be determined only after the county and MetCom come to terms on various issues, such as: when to allocate water/sewer capacity (issue EDUs); and a full understanding on everyones part of the relative impacts of CWSP service categories and Comprehensive Zoning Ordinance zoning designations. Following resolution of the issues and development of interagency polices between LUGM and MetCom, staff will have a clear direction for the amendments needed to implement the Plan.

Commissioner Mattingly asked if anything is being done to educate the public on the potential use of state funds to upgrade septic systems. Mr. Savich will follow up on this matter with Dr. Icenhower at the Health Department.

Mr. Savich reviewed a summary prepared by MetCom of their duties, authorities, and responsibilities as designated by the Maryland General Assembly and the Board of County Commissioners legal authority in relation to MetCom. The mix of legal authority reflected in the summary, together with varying MetCom and county processes developed since 1957, suggests that a thorough review of the legal relationship would benefit the working relationship and effectiveness of both organizations.

Commissioner Dement moved, seconded by Commissioner Raley, to authorize staff to form a workgroup with MetCom staff to develop a plan on how to address the legal and working relationship of the two organizations that may result in proposed legislative changes during the next or subsequent legislative sessions. Motion carried 5-0.

Commissioner Mattingly noted that any proposed legislative changes will need to be forwarded to the Delegation earlier than usual in order to provide adequate time for review.

Ms. Werner reviewed MetComs public hearing schedule. Mr. Savich suggested that MetCom work with Karen Everett, the countys Public Information Officer to help with the publicizing of their public hearings. It was proposed that the next joint meeting be held on July 28, 2009.

MOTION TO ADJOURN

Commissioner Dement moved, seconded by Commissioner Raley, to adjourn the Board of County Commissioners meeting.

The meeting adjourned at 2:53 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)